

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Joseph Nathaniel McKnight, #321297,)	
)	C/A No.: 3:06-1413-MBS
Plaintiff,)	
)	
vs.)	
)	O R D E R
Cpt. Brunson, Lt. Brown,)	
Lt. Davis and Ofc. McKnight,)	
)	
Defendants.)	
_____)	

On May 9, 2006, Plaintiff Joseph Nathaniel McKnight filed a complaint pursuant to 42 U.S.C. § 1983, alleging that his constitutional rights had been violated in various respects.

This matter is before the court on Defendants' motion for summary judgment, which motion was filed July 19, 2007. By order filed July 25, 2007, pursuant to Roseboro v. Garrison, 528 F.2d 309 (4th Cir. 1975), Plaintiff was advised of the summary judgment procedures and the possible consequences if he failed to respond adequately. Plaintiff filed no response to Defendants' motion. On September 6, 2007, Plaintiff was granted an additional fifteen days to file his response to Defendants' motion for summary judgment. Plaintiff was advised that if he failed to respond, this action could be dismissed for failure to prosecute pursuant to Fed. R. Civ. P. 41(b). Plaintiff filed no response to the September 6, 2007 order.

In accordance with 28 U.S.C. § 636(b), this matter was referred to United States Magistrate Judge Joseph R. McCrorey for pretrial handling. On September 25, 2007, the Magistrate Judge filed a Report and Recommendation in which he recommended that the case be dismissed pursuant to Fed. R. Civ. P. 41(b). Plaintiff filed no objection to the Report and Recommendation.

The Magistrate Judge makes only a recommendation to this court. The recommendation has

no presumptive weight. The responsibility for making a final determination remains with this court. Mathews v. Weber, 423 U.S. 261, 270 (1976). The court is charged with making a de novo determination of any portions of the Report and Recommendation to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or may recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). In the absence of objections to the Report, this court is not required to give any explanation for adopting the recommendation. Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983).

The court has thoroughly reviewed the record. The court concurs in the Report and Recommendation and incorporates it herein by reference. The case is dismissed with prejudice pursuant to Fed. R. Civ. P. 41(b).

IT IS SO ORDERED.

/s/ Margaret B. Seymour
United States District Judge

October 24, 2007

Columbia, South Carolina

NOTICE OF RIGHT TO APPEAL

Plaintiff is hereby notified that he has the right to appeal this order pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.